

**Notice of Allowability**

Application No.

10/041,937

Applicant(s)

NEE, WRIGHT JACKEN

Examiner

Art Unit

Phung T. Nguyen

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's amendment on 08/12/05.
2. ☒ The allowed claim(s) is/are 1,2,4,5,6,8,11,13,14,15,16,18,21,23,41,42,43,44,46,47,50,51 (renumbered as 1-22).
3. ☒ The drawings filed on 08 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>02/22/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                               | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|  | 9. <input type="checkbox"/> Other _____  |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gero G. McClellan on 08/12/05.

2. The application has been amended as follows:

1. (Currently Amended) A method for selectively placing a distress call in response to activity of an implanted medical device worn by a human subject, comprising:

receiving a wireless signal from the implanted medical device; and

in response receiving the wireless signal:

generating, by an external voice synthesizer, a voice synthesized message

providing information about a nature of the human subject's condition even in the event the human subject wearing the implanted medical device is incapable of verbal communication; and

transmitting, by an external communications device, the distress call in the form of the voice synthesized message to a remote location;

wherein the distress call includes at least one of a serial number and a model number of the implanted medical device.

13. (Currently Amended) A system for selectively placing and handling a distress call, comprising:

an implanted medical device worn by a human subject and comprising a wireless transmitter for issuing a wireless signal;

a wireless external receiver configured to receive the wireless signal from the implanted medical device;

a voice synthesizer configured to generate a voice synthesized message in response to the wireless signal, the voice synthesized message providing information about a nature of the human subject's condition; and

an external communications device communicative with the wireless external receiver and configured to transmit a distress call in the form of the voice synthesized message to a remote location in response to receiving input from the wireless external receiver even in the event the human subject wearing the implanted medical device is incapable of verbal communication;

wherein the distress call comprises at least one of the serial number and the model number of the implanted medical device.

40. cancelled.

45. cancelled.

46. claim 46, line 1, change "claim 45" to --claim 13--

47. (Currently Amended) A method for selectively placing and handling a distress call in response to activity of an implanted medical device worn by a human subject, comprising:

receiving, by an external communications device, a wireless signal from the

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implanted medical device; and

in response to receiving the wireless signal:

generating, by an external voice synthesizer, a voice synthesized message

providing information about a nature of the human subject's condition even in the event

the human subject is incapable of verbal communication;

transmitting the distress call, with the voice synthesized message, to a remote

location in response to receiving the wireless signal;

receiving the distress call at the remote location;

in response to receiving the distress call at the remote location, automatically  
accessing a patient record from a database; and

displaying the patient record to an operator;

wherein the external communications device is a cell phone, and further comprising:  
inputting the voice synthesized message into the cell phone from which the voice  
synthesized message is transmitted with the distress call.

49. cancelled.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion.*

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached on 571-272-2964. The fax phone number for this Group is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 571-272-2600.



**PHUNG T. NGUYEN**  
**PRIMARY EXAMINER**

Date: August 12, 2005